

EXHIBIT A

From: Finnerty, Christopher S. <Chris.Finnerty@klgates.com>
Sent: Thursday, May 12, 2022 9:08 AM
To: Nicholas A. Rendino <nrendino@kasowitz.com>
Cc: Jerry.McDevitt@klgates.com; Morgan.Nickerson@klgates.com; Christine A. Montenegro <CMontenegro@kasowitz.com>; Jason S. Takenouchi <JTakenouchi@kasowitz.com>; Derek.Kelley@klgates.com
Subject: RE: MLW v. WWE - 26(f) Conference

Nick,

My communication below never stated that a motion to dismiss automatically stays discovery or alters the schedule in any way. Instead, under Rule 26(f)(1), our deadline to conduct the conference is October 6. We have provided you a proposed conference date within the time period allotted under the rule. While you may want an earlier date, my client's proposal undoubtedly complies with the language and intent of Rule 26(f)(1).

My client believes that its proposed date is the most "practical" date to conduct the conference, as both parties will have a better sense of what claims, if any, will be moving forward. It would be inefficient, costly, and contrary to Rule 1 to conduct a conference now, when for example, we do not even know whether the Court has subject matter jurisdiction over the litigation.

As for your request for a meet and confer on this issue, as you are aware, we are currently working to meet our Monday deadline for the filing of WWE's reply brief. Once that is filed, we are happy to conduct a call on this issue. I am generally available on Tuesday if there are some times that you would like to propose.

Best,

Chris

K&L GATES

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From: Nicholas A. Rendino <nrendino@kasowitz.com>
Sent: Wednesday, May 11, 2022 4:25 PM
To: Finnerty, Christopher S. <Chris.Finnerty@klgates.com>
Cc: McDevitt, Jerry <Jerry.McDevitt@klgates.com>; Nickerson, Morgan T. <Morgan.Nickerson@klgates.com>; Christine A. Montenegro <CMontenegro@kasowitz.com>; Jason S. Takenouchi <JTakenouchi@kasowitz.com>; Kelley, Derek W.

<Derek.Kelley@klgates.com>

Subject: RE: MLW v. WWE - 26(f) Conference

Chris,

We respectfully disagree with the view that filing a motion to dismiss stays discovery and relieves the parties of their obligation to confer “as soon as practicable” under Rule 26(f). There is nothing in the text of Rule 26(f) that states that the filing of a motion to dismiss alters the parties’ obligations to confer.

If your client maintains its position that it will not conduct the conference until after oral argument on the motion to dismiss, then we will plan to file a motion to compel the 26(f) conference this week. In that event, this is our attempt to schedule a meet and confer conference regarding the motion to Compel a Rule 26 conference – please advise as to some times when you would be available for a call to discuss the forthcoming motion.

Regards,
Nick

From: Finnerty, Christopher S. <Chris.Finnerty@klgates.com>

Sent: Monday, May 9, 2022 10:35 AM

To: Nicholas A. Rendino <nrendino@kasowitz.com>

Cc: McDevitt, Jerry <Jerry.McDevitt@klgates.com>; Nickerson, Morgan T. <Morgan.Nickerson@klgates.com>; Christine A. Montenegro <CMontenegro@kasowitz.com>; Jason S. Takenouchi <JTakenouchi@kasowitz.com>; Kelley, Derek W. <Derek.Kelley@klgates.com>

Subject: RE: MLW v. WWE - 26(f) Conference

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Hi Nick,

Given that my client’s pending motion to dismiss may resolve the case entirely, we do not believe it is practical to conduct a Rule 26(f) conference until the Court rules upon the motion. As you are aware, the Court reschedule the initial CMC to October 27. Accordingly, we have until October 6 to conduct the conference (please let us know if that date works). As we are scheduled to appear before the Court on September 29 for argument on the motion to dismiss, my client believes the most efficient path forward is to schedule the conference after the oral argument. At that time, we should have a better sense from the Court as to what claims, if any, will be moving forward.

Best,

Chris

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From: Nicholas A. Rendino <nrendino@kasowitz.com>

Sent: Thursday, May 05, 2022 1:38 PM

To: Kelley, Derek W. <Derek.Kelley@klgates.com>

Cc: McDevitt, Jerry <Jerry.McDevitt@klgates.com>; Nickerson, Morgan T. <Morgan.Nickerson@klgates.com>; Finnerty, Christopher S. <Chris.Finnerty@klgates.com>; Christine A. Montenegro <CMontenegro@kasowitz.com>; Jason S. Takenouchi <JTakenouchi@kasowitz.com>

Subject: MLW v. WWE - 26(f) Conference

Derek,

As you know, the parties are required to hold their 26(f) conference "as soon as practicable" after the case is filed. Now that the parties have had an opportunity to address the motion to dismiss briefing, a 26(f) conference is practicable. Please advise as to some times over the next two weeks when you would be available to hold the 26(f) conference.

Regards,
Nick

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